

OPD Management Meeting

December 2009



Question 1: What is your plan for providing defense function in each of the courts in the region, each kind of case (contract attorney vs. FTE attorney)?

Region 1

- In Region 1 we have numerous courts in each of the 4 counties:
- Flathead County
- 11th Judicial District Court is covered by both FTE attorneys in the Kalispell public defender office and by 5 contract attorneys who handle both overload cases and conflict cases. The FTE attorneys handle primarily felony cases both on initial charge and on revocation proceedings. The contract attorneys handle felony cases, and conflict juvenile cases, dependency and neglect cases, and conflict felony level cases.
- The Flathead Justice court is covered primarily by two FTE attorneys in the Kalispell public defender office. We do assign some overload cases to contract attorneys and periodically also assign conflict justice court cases to contract attorneys as well.
- The Kalispell municipal court is covered primarily by two FTE attorneys in the Kalispell public defender office but once again we do periodically assign some overflow and / or conflict cases to contract attorneys.
- The Whitefish and Columbia Falls city courts are also covered primarily by FTE attorneys in the Kalispell public defender office.
- Lake County
- The 20th Judicial District Court is covered by all four FTE attorneys in the Polson public defender office as well as periodic assignments to 3 contract / conflict attorneys in Polson. We also have a roving attorney who takes some felony cases in the Polson public defender office as well as an FTE attorney from region 2 in Missoula that helps out with conflict cases.
- The Polson city court is covered by one FTE from the Polson public defender office.
- The Ronan and St. Ignatius city court's are also covered by FTE attorneys from the Polson public defender's office.
- Lincoln County
- The 19th Judicial District Court is covered primarily by 2 contract / conflict attorneys in Libby. Since we have no OPD office in Libby, the regional deputy public defender is the only FTE attorney that takes cases in Lincoln County. We have a 3rd contract / conflict attorney in Libby who also takes some district court cases but we generally limit his district court work to DN cases.
- The Lincoln County justice courts are located in Libby and in Eureka. We have one contract attorney who does most of the Eureka justice court cases and he also splits the Libby justice court work with the other 2 contract / conflict attorneys.
- The Libby and Troy city courts are also covered by contract attorneys.
- The Eureka city court seldom appoints the Office of Public Defender and thus we assign attorneys to the Eureka city court on a case by case basis.
- Sanders County
- The Twentieth Judicial District Court is covered primarily by the regional deputy public defender, 2 FTE attorneys from the Polson public defender office, the region 1 roving attorney, and the ½ time FTE attorney from Superior. There is one other contract attorney who does handle some district court cases but those are usually limited to conflict cases. We also assign some district court cases to an FTE attorney from region 2 which helps out with conflict cases.
- The Sanders County Justice Court is covered primarily by one FTE attorney from the Polson office along with the ½ time FTE attorney from Superior.
- The Thompson Falls city court is covered by one FTE attorney from the Polson public defender office as well as the ½ time FTE attorney from Superior.
- The Plains and Hot Springs city courts are covered by two FTE attorneys from the Polson public defender office.

Region 2

- Providing Defense Function: In both Missoula and Ravalli County, since the inception of OPD, the defense function has been provided by FTE attorneys. With regard to the defense function, this includes DI's, DG's, DN's, and Youth Court. It also would cover the Mental Health Treatment Courts, Youth Drug Courts, and DUI courts that are being provided. In Mineral County, until 8/1/09, all criminal cases, DN case, and Youth Court cases were being handled by contract attorneys. The DI's and DG's were handled by a Missoula FTE. Since 8/1, since we now have a ½ time FTE in Mineral County, he is handling the defense function unless his workload becomes too great. Since inception, I as an FTE have handled any major crimes in Mineral County and assigned some cases to our then roving attorney for Region 1 and 2. Also, since 8/1/09, Missoula FTE's have taken cases in Mineral County. Therefore, our only cases going to contract attorneys have been conflict cases. In Missoula, we have particular attorneys assigned to the 4 district court judges, on criminal cases, so attorneys are not appearing in every court every day. The attorneys in district court are also taking cases in the lower courts but their major workload is in district court. There is one attorney who handles the DI's unless she has too many but she is also doing municipal court cases. We have 2 attorneys who principally do Municipal Court cases. I take case, in every court, and pick and chose what I take. The Missoula Managing Attorney handles most of the DN and DG cases in Missoula, with the assistance of another attorney when he gets overloaded.
- We have, counting myself and the 25% roving attorney, 17 FTE attorneys in Missoula, which includes the research attorney. There are 6 FTE attorneys in Hamilton

Region 3

- In the Great Falls Office, Office Manager Jason Kindsvatter assigns the following cases to FTE attorneys: Non-conflict felonies, one parent (usually the mother) in DN cases, and the DI cases. The non-conflict Justice Court cases are assigned to FTE Krishna Nandlal (through legal assistant Lori Fallon) and non-conflict Municipal Court cases are assigned to FTE Chase Naber (through legal assistant Michelle Smith). I assign other non-conflict cases (felonies, misdemeanors, DN's and DI's) to FTE Dan Minnis in Cut Bank. I assign other non-conflict cases, of all kinds, to the various contract attorneys in Teton, Pondera, Toole, and Glacier Counties. I keep track of the caseloads for both Dan Minnis and the various contract attorneys to try to make sure no one is over or under worked. On Cascade County conflict cases, I assign contract attorneys to those cases in all of the local courts. Outside of Cascade County, I also assign cases to the contract attorneys where there are co-defendant, or assign one defendant to Dan Minnis and another to a contract attorney. If there are co-defendants in a criminal case, OPD will represent one qualifying defendant and I appoint outside counsel for the other defendant(s). For other potential conflicts, I review the situation on a case by case basis, by first looking to see if there is a way to keep the client represented by an OPD. If it comes down to a judgment call, I usually come down on the side of appointing a contract attorney for the ultimate protection of the record.

Region 4

- Kristina Neal is being moved from Youth Court in Lewis and Clark County to District Court in both Jefferson and Broadwater Counties. She will be covering all felonies and youth court matters in those counties. Replacing her in L&C County Youth Court will be Wendy Johnson, who is also assigned to a half-time L&C County Justice Court caseload.
- For L&C County District Courts, all cases are being assigned to David Burleigh, Jenny Kaleczyc, Ann Penner, Brendan McQuillan, and myself.
- L&C County Justice Court and Helena City Court will assigned to Thad Adkins and Annie Peterson, with overflow assigned to Wendy Johnson, as noted above, and Candida Quinn.
- Finally, Whitehall City Court, East Helena City Court, Boulder City Court, Jefferson County Justice Court, Townsend City Court, and Broadwater County Justice Court will be assigned to Candida Quinn.
- Conflict cases that need to be assigned out-of-region will be assigned to Stephen Anderson or Bryan Norcross. Helen McCarthy is also available to do guardianships and DD commitments.
- I will also utilize contractors Anderson and Norcross for any overflow that staff attorneys are unable to absorb.
- Myself and Thad Adkins will be covering all mental health commitments within the region.

Region 5

- FTE's travel the Region. The attorneys in Anaconda primarily work cases in the Third Judicial District. Contract attorneys step in for conflicts. If Anaconda has a conflict with a case, I send an attorney from Butte PD, Regional, or a contract attorney if available.
- The Regional Office and Butte PD handle the majority of Second Judicial District as well as major felonies and some misdemeanor cases in Dillon and Virginia City. Butte PD takes the majority of the Prison workload. Regional and Butte PD also travel to Anaconda for DN cases and occasional criminal conflict cases.
- I have two contract attorneys in Dillon. They take many of our misdemeanors in justice and city court as well as a substantial number of felonies. I have one contract attorney in Butte who is also assigned cases out of Dillon, both felony and misdemeanor. Butte PD and Regional take felonies from Beaverhead County in conflict situations or if contract attorney caseload is too large. Contract Counsel has the majority of misdemeanors in Madison County due to travel and time issues. Most felonies and juvenile cases from Madison are handled by Butte PD or Regional.
- A contract attorney from Butte is assigned Drug Court.

Region 6

- Availability of FTE primarily determines whether FTE is appointed vs. contract attorney. Location of court and prior representation are also major functions.

Region 7

- Assign cases out to contract attorneys. In DN cases I keep one of the parents 98 % of the time. Typically I try to keep all cases that requiring traveling, such as White Sulphur Springs and Harlowtown. This saves on paying contract travel fees. As you know most courts outside of Lewistown do not have local attorneys that can take the contract work. The problem this poses is that it is more difficult to communicate effectively with clients that live 200 miles away and limited phone service. There is a contract attorney now that has opened a practice two days a week in Roundup. Also there are two contract attorneys that are willing to cover Roundup from Billings, a 45 minute drive.

Region 8

- Gallatin:
 - District Court: Assign cases to FTE's unless conflicts
 - Justice Court: Assign cases to FTE's unless conflicts
 - Bozeman Municipal Court: Assign cases to FTEs unless conflicts
 - Belgrade City Court: Assign cases to FTEs unless conflicts
 - Manhattan City Court: Private attorney handles contract and conflict cases
 - Three Forks City Court: Private attorney handles contract and conflict cases
 - West Yellowstone City Court: Private attorney handles contract and conflict cases
- Park:
 - District Court: Mix of FTE and contract/conflict attorneys
 - Justice Court: Mix of FTE and contract/conflict attorneys
 - Livingston City Court: Mix of FTE and contract/conflict attorneys
- Sweet Grass:
 - All courts: One private attorney handles the large majority of all cases in Big Timber/Sweet Grass county.
 - Occasionally, if a conflict, complex case, or client complaint FTE attorney will handle cases.

Region 9

- Region 9's plan is to: (1) identify and understand the functions, and (2) train the attorneys – either contractor or FTE – to competently execute the functions.
- Identify and understand the defense function.
 - Defense functions include representation at the Initial Appearance, Bond arguments, Compiling Discovery, Investigation, Pretrial Motions, and Trial.
- Train attorneys to competently execute the functions.
 - Training attorneys is an ongoing opportunity. Region 9 requires attendance at all training opportunities.

Region 10

- Unless there is an apparent conflict, we try to take cases as FTE's before we ask contract counsel to take them. If it is a mental commitment, we have tried to get a relationship with a local attorney (such as in Plentywood/Wolf Point/Sidney) who can be present for the mental commitment hearings on short-notice. We have been trying to utilize local counsel in different courts if we contract out the representation so that we can save on travel costs. It doesn't always work and we have to assign cases to contract counsel that are out-of-town, but our plan has been working well to try to use FTE's first, followed by local contract counsel followed by general contract counsel.

Region 11

- My region includes 7 counties with the following Courts:
- District - 7
- Justice - 7
- City Courts - 3 (Forsyth, Colstrip, Baker & Miles City)
- This office has a good relationship with the various courts in this region. The 7 District Courts are staffed with 2 judges and clerks in each county. We stay in contact with the clerks by telephone, e-mail and letter for assignment of counsel and scheduling matters.
- This region is a remote area and the major population the bulk of the cases. In Miles City the 2 staff attorneys handle most of the cases as well as those in Baker. centers are Miles City, Forsyth and Baker. In Forsyth we use both staff and one resident contract attorney to handle
- Contract and conflict attorneys are assigned as needed. Since there are only 2 staff attorneys in this region it is common to assign contract counsel to DN cases which usually involve at least 3 parties and often 4 parties to provide separate legal representation for.
- We use FTE attorneys as much as possible.

Appellate

- The appellate office deals solely with the Montana Supreme Court. All of the appellate attorneys keep apprised on the Court's recent decisions and any trends appearing to occur with the Court. I maintain contact with the contract attorneys regarding any case developments, and everyone sends summary of cases to ensure all case decisions are distributed to those interested.

Question 2: How do you insure that the attorneys doing the public defense function in a court are providing effective assistance of counsel?

Region 1

- As the regional deputy public defender for my region, I travel regularly to the various district courts to watch the attorneys as they represent their clients in court. I try to spend 2 or 3 Mondays each month in the district court in Libby and 2 or 3 Tuesdays each month in the district court in Thompson Falls. I also regularly attend court on Thursdays in Kalispell and occasionally on Wednesdays or Thursdays in Polson. I assess whether the attorneys are meeting with their clients before court, whether the attorneys are prepared for each of their cases, and whether they appear to be making any progress moving the cases forward. I also review and assess the client grievances that come in on each attorney and periodically monitor a specific attorney with more scrutiny because of a particular client grievance or repeated grievances on that attorney. I also meet with the district court judges on a regular basis to ask for their input on how our OPD attorneys are doing and whether they see any problems or concerns that need to be addressed.
- On a less frequent basis I also stop in at the justice court proceedings and city or municipal court proceedings to monitor how the attorneys are doing in the lower courts. I also meet with the lower court judges several times each year for a personal contact and input from them as to how our OPD attorneys are doing and how the criminal justice system is working in their courts.
- Finally, I meet regularly with our FTE attorneys both in Polson and in Kalispell for their input and assessment. I discuss particular cases with the attorneys and get a pretty good general sense of how they are working their cases. I also speak directly to the contract attorneys on a regular basis as I see them in court working their public defender cases. I assess on whether they appear to be getting good plea bargains for their clients and whether they appear willing to take cases to trial as necessary. And, as I review the contract attorney billing statements, I get a good feel for whether they are moving their cases forward and having regular contacts with their clients. In the absence of client grievances or complaints or a breakdown in the system it is sometimes difficult to assess whether any individual attorney is providing effective assistance of counsel to any particular client.

Region 2

- Effective Assistance Compliance with the Standards. In this Region, I randomly appear in all of the courts and watch my attorneys do. Brian Smith as the Managing Attorney in Missoula also does that but neither of us get to Municipal Court as much as we should. However, the clerks of the Missoula Municipal Court keep both of us informed about what our attorneys are doing or not doing. In the Municipal Court, Brian was able to convince Judge Anderson, who does all the jury trial to move her law and motion to Wednesday to avoid conflicts for our staff attorneys, in district court, can avoid conflicting schedules. In addition, I meet with the judges, by setting appointments with them to discuss the attorneys, FTE's and conflict, appearing in front of them. I have also given the district court judges in Missoula, who also cover Mineral County, my personal cell phone number to call me on when an issue arises. If a client is asking a judge for a new PD, claiming the attorney is being ineffective, I appear at those hearings, for FTE's and conflict attorneys. I then participate in the hearing and , in 1 case, was called as a witness. I also rely on information given to me by prosecutors and court staff. All of whom feel free to contact me. This applies in all 3 counties.
- In the Missoula office, there are weekly attorney meetings and discussions do occur over these type of questions. In all 3 counties, FTE's, and conflict attorneys come to me and ask questions or advice; send me e-mails, which I answer, or, call me. In any case, involving an FTE or contract attorney, if I get a client complaint which shows that they have not been provided effective assistance , I have my managing attorneys reassign the case, if it is an FTE, or I do it for a conflict attorney. I will also take the case myself under those circumstances.

Region 3

- To ensure effective assistance of counsel, I work to act quickly on client complaints by first notifying the attorney that a client has complained. I give the attorney a copy of the complaint, and ask for their response. I then speak with the client and try to mediate a solution. This approach works quite often to get the attorney and client back into a state of cooperation. If an attorney is not giving enough attention to a case, I'll simply say to an attorney that they should go ahead and get back on track with a case, if that can be done without detriment to other priorities. Betty Carlson uses the same approach to handling complaints that arise in Judge McKittrick's Court, as I do not address those. I also work with our newer, less experienced attorneys by asking them periodically if they are having any difficult clients or cases. This usually leads to useful discussion on tactics to take in terms of pre-trial motions, trial strategy, and handling prosecutors. I also tell the less experienced attorneys that in doing public defender work you have to pick your battles. Expending time, energy and resources should be weighed carefully, depending on the type and facts of a case. We also use our investigators extensively, and enforce the requirement that attorneys must give written requests that are clear, focused, and thoughtful. Oftentimes, the better the investigation, the better the legal counsel.

Region 4

- First and foremost is to observe all attorneys in court on a regular basis to assess their preparedness, effectiveness, and compliance with Standards. I will also inquire to judges, clerks, court reporters, and fellow attorneys for anecdotal assessments. Client complaints and the attorneys' responses will be considered as well. Finally, I will review and consider the attorneys' substantive pleadings on occasion.

Region 5

- I observe FTE's and contract counsel in Court. I talk to the attorneys about their cases, handle client complaints with input and response from assigned counsel. I keep track of major cases (homicides, sex crimes) by keeping in touch with assigned counsel to see if they are having any major issues with the case. FTE's keep me in the loop on major cases. They also discuss issues with any case they have if they think there is a problem. The contract attorney in Butte will call or stop by the Regional office on a regular basis. I call contract counsel in Dillon when I learn of issues that may cause problems with a case to see if they would like assistance. All contracted counsel in Beaverhead and Madison have contacted me about their cases if they have a problem with a client or want to discuss the case.

Region 6

- Clients are generally aware of my availability regarding questions or concerns. Contract counsel know I am always available. Any complaints are dealt with at the earliest opportunity.

Region 7

- For the most part all of the attorneys that region seven contracts with have many years of experience. I also have a good relationship with the judges in the region and have communicated with them on how services are being provided and ways to improve them. For example, pretrial conferences and scheduling conferences in Fergus County Justice and City courts were not happening. I met with the judge and the county attorney to get these started. This has helped decrease continuances which ultimately save on the budget and ensure that the clients due process rights are not unnecessarily delayed. Occasionally, we have local bar meetings with just the defense attorneys. We discuss issues, problems and strategies. I also forward to them relevant new case law that effects defense practice such as the changes in alcohol restrictions in sentencing. Twice a year there is a local bar meeting that includes the judge and the county attorneys and the defense attorneys. This is a good venue to address concerns with the court and concerns with the local bar.

Region 8

- In the courts where FTEs are present the Regional Public Defender and Managing Attorney observe the performance of counsel.
- We also have the client grievance procedure which alerts us to problems when a client is dissatisfied with court appointed counsel.
- This Office also has open relations with court personnel, prosecutors, and other involved parties who advise us of concerns that may arise with defense counsel. In such an event we check into the situation to determine whether a problem exists.

Region 9

- Effective assistance of counsel requires training, which includes an update on the current status of the law.

Region 10

- I feel as if I have maintained a good working relationship with judges in Region 10 of all different jurisdictions. That way, these Judges feel comfortable calling or emailing with concerns or questions about counsel and their representation. This holds true for Sheriff's in other counties who have jails where a client has sat without hearing from his/her lawyer for a long time. Also, prosecutors have been good about voicing their concerns to me about representation.

Region 11

- I try to remain attuned to comments from judges, personal observation, and monitoring client complaints.

Appellate

- I review their briefs and provide comments. I make sure that I know what is happening with their cases. This type of discussion does not occur as often as I would like with the contract attorneys. I want to know that they are talking with their clients and keeping their clients informed. Through discussion with the attorneys handling the appeals, I am better able to target areas where they may need to redevelop arguments or “beef up” case citation. It is only through that type of critique that their writing improves, which, in turn, helps the client.

Question 3: How does your region insure that the attorneys in your region are complying with the Standards?

Region 1

- I try to observe how the attorneys are doing in court and determine whether they are meeting with their client and seem to be prepared for each case as it is called on the docket. I also speak with the attorneys and with other court personnel to determine whether the clients are complaining directly to the court and whether they are doing their job as defense counsel. As for the FTE attorneys in Polson and Kalispell, I meet regularly with their immediate supervisors and discuss how they are doing and whether they are in compliance with the standards. Without a direct standard compliance appraisal process in place, it is difficult to determine on a day-by-day basis as to whether any attorney is complying with each specific standard.

Region 2

- Complying with Standards. This is about the same as 2 other than, if a client calls from the jail about not seeing their attorney, in 72 hours, I go to that an attorney and tell them to get out there. If I'm not around, Brian does this. I also can check JustWare to determine what the attorney is doing. However, unless an attorney wants advice how to do something, I don't tell them what they should do as I believe there is some discretion, under the Standards, for doing things except the 72 hour requirement.

Region 3

- We have a rotating schedule to ensure that attorneys are present at all Cascade County District Court initial appearances. In Cascade County Justice Court and G.F. Municipal Court, the attorneys who handle those Courts also appear with incarcerated defendants at those initial appearances. Our office staff also processes the public defender applications in a timely manner to ensure that counsel is appointed quickly. We also limit the number of staff meetings to one per month, in order to ensure that attorneys have ample time to meet with clients, investigators, witnesses, etc., and prepare their cases. I also monitor the number of days that an attorney is missing work due to sick leave or vacation leave taken, and monitor the number of complaints. I also work to keep the attorneys assigned to one particular court, whether it's district court, justice court, or municipal court. The reason is so that the attorneys will not be scheduled to have to be in two places at once. It makes for better scheduling and time management. The bottom line with these practices is to create a working environment where the attorneys can make the best use of their time. If that happens, the attorney has an easier time of meeting the standards.

Region 4

- See Answer 2.

Region 5

- All attorneys are required to familiarize themselves with the Standards. I observe attorneys in Court. With very few exceptions, attorneys see a client that is incarcerated the same day they are assigned. I address client complaints with the attorney immediately. The attorneys keep records of phone calls and jail visits as well as client appointments. Caseloads are monitored to ensure that the Standards can be adhered to. However, as is true state wide, staffing issues, low numbers of contract attorneys and caseloads bring challenges to Standard requirements.

Region 6

- See #2.

Region 7

- See above. In addition, it is communicated to contract attorneys that are given a client who is in jail that they need to be seen right away. The case is given to someone else if they cannot meet this standard. Also, certain cases are given to specific attorneys. For example, Lewistown has a high number of mental commitment cases because of the state home being located here. There are about 40 or so ongoing cases of this type. They are contracted to Jon Oldenburg and Kris Birdwell because of their experience and dedication in this area.

Region 8

- We work closely with attorney in our office to ensure they are providing excellent representation to our clients.
- The attorneys we contract with are licensed and in good standing with the State Bar. These individuals also spend a majority of their practices or have substantial experience in the area of law they are providing services.
- As an aside, despite what people who do not live and work in Montana might say, the more the system tries to micromanage quality attorneys providing quality services to clients in this Region the less likely such qualified and experienced attorneys will be to provide services to the OPD.

Region 9

- The Standards can be found on OSPD website. While the Standards cover many areas of a case and representation, the best way to insure compliance is through observation of the attorneys in court and in their cases, addressing attorney complaints and visiting with Judges about attorneys.
- Training helps the attorneys to comply with the Standards because if the attorneys knew better, they would do better.

Region 10

- The same as above. I field calls from other attorneys, judges and prosecutors. Also, I try to talk with clients who call and have complaints about their attorneys. If necessary, I will mediate the complaint.

Region 11

- Personal observation and reviewing complaints.

Appellate

- Through constant communication, I know whether my attorneys are filing the requisite briefs and are communicating with their clients. When I see deficiencies, I talk to them about those deficiencies. Where applicable, I will also write them up if they continue not to communicate with their clients, for example.

Question 4: How do you train attorneys who are new or are newly going into an area of practice?

Region 1

- Both I and the managing attorneys for Polson and Kalispell meet regularly to discuss particular attorneys and how our new attorneys are doing. In Kalispell we generally assign them cases in a court in which we already have an FTE attorney working. We then have them meet with clients and work with the FTE attorney in attending court and meeting with clients so that they have a clear understanding of how that particular court functions and any scheduling particularities of that court. We also try to have an experienced attorney second chair their first trial (most particularly jury trials) to give them assistance and support throughout the trial. The managing attorneys in Polson and Kalispell also meet often directly with the attorneys to discuss any issues or concerns that they might have. I meet regularly with the lower court judges and ask them for an outside assessment of how our new attorneys are doing and whether they have any concerns or criticisms of any particular attorney.

Region 2

- Train Attorneys. All of our FTE's are experienced attorneys now so training, other than mandatory training, is not required. We train the younger attorneys on major cases, like homicides, by having them be 2nd chairs, with an experienced attorney. If they are going into a new area of practice, they are given an experienced attorney, in that are, to assist them. I also provide as much assistance as I can. With all my FTE's, I encourage them, in any jury trial, regardless of the offense, to have a 2nd chair, which helps train as well as assist.

Region 3

- The new attorneys get mostly on the job training. I tell them to first get a daily routine organized. This starts by knowing when they are regularly scheduled to be in Court, and when they typically don't have to be in Court. I also suggest speaking regularly with their legal assistants to keep their days organized. The goal is to have less stress and chaos by knowing when you can or cannot have dedicated preparation time. I stress to them that when they first meet clients, they should review all the elements of the crime charged, and ask questions to get information that can undermine any element, or establish a defense. If the client asks a question, and the attorney does not know the answer, tell the client that you will find out the answer, rather than speculate on an answer. I will also periodically review a new attorney's briefs. Sometimes the new attorney can get some assistance from the brief bank, other times the attorney's brief should be submitted to the brief bank. I tell the new attorneys that they can come to me, or anyone else in the office that they feel comfortable with for guidance. I generally let them approach with questions or issues, rather than overtly injecting myself into their cases. Regarding new areas of practice, I will have an attorney seek out a more experienced attorney for advice on unfamiliar areas of law. For our office, Melissa Edwards and Larry Lafountain have the most experience with DI cases, so I seek them out for questions in those areas. Betty Carlson has the most experience with juvenile offenders, so she is the "go to" attorney in that area.

Region 4

- I am a firm believer in the buddy system, and am unafraid to delegate the training function to a staff attorney who has been practicing in the area where new counsel is being assigned. For example, the existing city court defender will be assigned to assist me in training the newcomer, as I rarely appear in city court. Further, myself and Kristina Neal have had training sessions with Wendy Johnson in preparation for her assuming L&C County Youth Court representations. Training attorneys were also assigned to Candida Quinn, Thad Adkins, and Annie Peterson upon their arrivals to Region 4. I have also strategically assigned their physical office space next to more experienced attorneys, so that help is just next door. Finally, I maintain an open-door policy so that all attorneys within the region can approach me at any time.

Region 5

- All experienced FTE's mentor new attorneys. New attorneys have an opportunity to "tag along" on all types of cases with more experienced attorneys. They are then assigned lower court cases. Once they show competence dealing with the lower courts, they are given lower level felonies and revocations. All attorneys are on rotation for mental commitments and extraditions. An FTE will monitor new attorneys with their casework. I encourage new attorneys to ask questions of the more experienced attorneys about any issue or problems and observe their progress.

Region 6

- Daily review of case; review pleadings, correspondence etc.; attend hearings..

Region 7

- Region seven has not had any new attorneys. There has been one attorney who has practiced for a number of years but had not done criminal law for some time. He is the guy who has begun assisting in Roundup. I started only giving him only misdemeanors that were fairly simple and gradually began giving him more complex cases. I spoke with him several times on the phone and have met in person with him when I am in Roundup to discuss how things are going. I did and do not have concerns about him appearing in court as he has lots of experience in this in the civil arena. I have also had good reports about him from the District Court.

Region 8

- Attorneys in our office, management and otherwise, appear in court with attorneys who are inexperienced. We advise new attorneys how to conduct client interviews, bail hearings, jail visits, trials, and the multitude of other tasks public defenders face.
- Management has an open door policy and also makes conscientious efforts to check with attorneys to see how their practice is going.

Region 9

- Our main training device is mentorship. New attorneys are coupled with experienced attorneys. New attorneys are not expected to independently handle any case on their own, but rather work through cases and Court procedure with an established attorney.

Region 10

- Cynthia is the only other attorney in our office and she is very experienced. We do, together, try to make as many trainings and CLE's as possible.

Region 11

- I try to mentor as much as possible and share my network of resources both people resources, the brief bank and encourage them to use group e-mail to mentor with other OPD attorneys.

Appellate

- New attorneys are given single issue cases and reply briefs when beginning their work for the appellate office. Upon reviewing the transcripts and case files for each new case the appellate office receives, I am able to assess the complexity level of each case and then assign each case accordingly. I read everyone's briefs and provide them comments. As I see improvement by the new attorneys in their issue development and the ease with which they submit their work, I then assign them increasingly more complex cases.

Question 5: How do you mentor attorneys as they take on new challenges (having their first trial, first motions hearing, etc.)?

Region 1

- Both I and the managing attorneys for Polson and Kalispell try to keep apprised of when a new attorney may be going to trial or arguing a motion or presenting witnesses at a suppression hearing or other motion. One of us generally tries to be present or ask one of the more experienced attorneys to be present to observe and assist. This doesn't always happen as we have found ourselves overloaded with cases in the Kalispell office and understaffed by about 50% over the past year in the Polson office. I would like to see more mentoring in my region and perhaps be able to do more mentoring of younger attorneys myself. I am hoping that as my personal case load dwindles I will be able to focus more of my time on assisting some of the newer attorneys in both Polson and in Kalispell.

Region 2

- Mentoring. The answers to 2, 3, and 4 would apply. The only thing I would add is that my office door is always open in Missoula and people can come and talk to me at any time. I also walk the hallways, in Missoula, ask questions of people, and get asked questions. I do the same in Hamilton when I'm there. In Mineral County, invariably, I have mentoring conversations with the FTE and any contractor at the courthouse. This also gets handled by phone calls. In both Hamilton and Missoula, the FTE's are talking to each other about these type of matters, which is encouraged.

Region 3

- My mentoring of new attorneys has consisted of assisting them with the pre-trial phases of a case: Investigation, client meetings, motions and briefs, jury instructions, direct and cross-examination, openings and closings. I have gone to Court to observe new attorneys from the audience and provide feedback. I have not gone to Court and sat with a new attorney at counsel table during court proceedings. I have received a lot of positive feedback from the local judges on our newest FTE attorneys, Chase Naber and Krishna Nandlal, and our newest contract attorney, Mark Frisbie.

Region 4

- It is comforting for new attorneys to know that they are following in the footsteps of their peers within the office. I will relate my past experience in the new area of challenge, and try to relate to their factual scenario. A brainstorming session may be in order, and I may refer them to another attorney who has recently gone through the same challenge with the same judge/prosecutor to glean their perspective. Maintaining an open-door policy is also essential to mentoring. I have also utilized Larry Murphy as a resource for mentoring, and plan on continuing that practice. I finally rely on my more experienced attorneys (Dave, Jenny, Ann, and Brendan) to lead by example and afford guidance to the less experienced attorneys.

Region 5

- I have new attorneys second chair for trials and hearings so they can be involved in the process without having all of the responsibility. They then try cases or do hearings as primary counsel, with an experienced attorney as second chair to help with any issues that arise. All felonies are tried with a minimum of two attorneys.

Region 6

- See #4.

Region 7

- See above.

Region 8

- We have attorneys second chair essentially all hearings before they do one on their own. Then when they do hearings on their own we have another more experienced attorney in the courtroom with them to help with questions or unexpected issues that may arise.

Region 9

- New attorneys, or those handling a new type of case, are teamed-up with an established attorney. Together they review the first trial or first motion with the goal of subpoenaing witnesses and preparing for the trial or hearing.

Region 10

- She mentors me in a lot of areas as I feel that we do mentor each other.

Region 11

- The last two attorneys I had follow me to hearings or I co-counsel with them on new areas such as more serious felony criminal cases, DI cases or DN cases.

Appellate

- I present them with the new challenge and tell them that I believe they are ready for it. I tell them that I will support them throughout and will help in whatever way I can. I then check on their progress and reach out to others who may assist them as well.

Question 6: How do you deal with the stress that an attorney may be feeling both in the job or because of outside stressors?

Region 1

- As management we don't always know when an attorney is under stress or perhaps too much stress. Some attorneys work better than others when under stress and some attorneys simply work better period when they are under a certain amount of stress. On several occasions within the Kalispell office several attorneys have come to management and explained that because of their case load or because of an upcoming trial or contested hearing they need some extra time off. I and the managing attorney typically try to reduce their case load by cutting them off from receiving new cases for some period of time. I also regularly look at the attorney's accrued vacation leave and comp time and encourage them to use it and take some time off between trial terms. I don't know if there is a whole lot more at this point that I can do to address the issue of too much stress on the attorneys. We are working at a time where our fiscal policy requires us to assume responsibility for more cases and at the same time reduce our budget by less purchases from central stores, not buying some of the specific items that the attorneys request for building their files, and conserving every where we can. Until we make it through this budget crunch I don't see things getting too much easier on anyone.

Region 2

- Stress. As for stress, in both offices, there is plenty of laughter over cases, clients, etc. There are also occasional potlucks and parties of the attorneys, including staff, which helps with stress. As for outside stressors, I ask that people make me aware of what is going on in their outside life and will freely talk to them about these things. I also wonder around the office asking people questions about family, spouses and kids.

Region 3

- Some people here handle stress better than others. Most of the stress has to do with the level of an attorney's caseload. Betty and I try to figure out what each attorney can handle, while being fair to each attorney. If an attorney says they need a break from the case load, I'll consider not assigning them any new cases for a week or so, if those new cases can be justifiably assigned to other attorneys. Some attorneys here have a lot of excess vacation and comp time built up. I remind them of that and encourage them to take of a day here and there, rather than wait and have to schedule a week off on short notice to avoid losing leave time. Some attorneys use up leave as fast as they accrue it. That can be a way to help alleviate stress, but it can be a problem, too. We work to keep the head office apprised of those extreme cases. If an attorney is dealing with an outside stressor, I make it clear that the attorney will have whatever time they can reasonably have to clear up the problem. Our legal assistants will work to clear court schedules or find attorneys to cover, re-schedule appointments, and refrain from assigning new cases. I'll ask the attorney to let me know when things are "back to normal." I work to treat the attorneys like the adults and professionals that they are, and expect that they do the same when the stressful times happen.

Region 4

- I maintain an accurate case count for each attorney, and monitor that case load to prevent overloading and stress. If an FTE is feeling overloaded, I may pull them out of the rotation for a time or re-assign new existing cases to other staff attorneys or contract attorneys. I actively and routinely ask staff attorneys about their case loads and react to their responses.
- If an FTE attorney is stressed due to outside stressors, I will attempt to determine that stressor and may address it. If it is a sensitive issue, I may refer the attorney to the State employee assistance program for counseling or further assistance.
- Once again, the open-door policy is important as all staff must feel that I am approachable, trustworthy, and responsive.

Region 5

- I allow FTE's as much flex time as possible so that they can take care of personal business. I have an open door policy and let all FTE's know that they can stop in or call with any problem they may have. I encourage time off and allow them to talk about any problems they may be having or just to vent if they need to. If an attorney has issues with family or personal issues that require them to be off work for a period of time, I get Barb Kain involved for any HR issues.

Region 6

- No Answer.

Region 7

- Region seven has a fairly close bar which helps. However, I was told that there is no crying in defense work; just kidding. There was an attorney in Roundup that suffered a great deal of stress. I spoke with him many times on the phone in an effort to help. At one point I assumed all of his cases that were proceeding to trial. He indicated that he was great outside of court but could not handle appearing, particularly with a jury. He eventually closed his practice and moved on to other things.

Region 8

- We try to maintain personal relationships with attorneys in the office such that they feel comfortable coming to the managing attorney or the regional deputy with problems of a work or non-work nature.
- We encourage attorneys to be flexible in their employment schedules so that they can enjoy family time or other personal endeavors that work as stress relievers.
- Management has an open door policy and attorneys feel free to express concerns if they arise. We also work with the office union rep as liaison for attorney/management issues.

Region 9

- Communication helps identify and relieve the stressors. Stress can be relieved by assurances and support from management. Stress can be relieved by working through a case with the attorney, by discussing the strengths and weaknesses of a case, by brainstorming over dire questions and strategy.
- Communication is key.

Region 10

- I send them for a break. I encourage them, when the time is right, to exercise their vacation time because a “fresh” employee does so much more in this office than someone who feels overworked, overwhelmed and stressed.

Region 11

- Encourage talking to me to other OPD attorneys. Also I tell them if they need time off to tell me and we will find a way. I encourage them to cultivate outside interests and try to maintain a professional posture with their clients.

Appellate

- I talk to the attorneys. There is not a day that goes by that I do not have a conversation with at least half of the attorneys about their cases. I know what is going on in their lives because I ask them. I do not intrude, intentionally, into their personal lives. But, if you develop a relationship with your employees, I have found that they are then more comfortable in asking for help when life stressors appear. I also let them know that I am always available to help, and that I, too, need help. If they know it is okay to ask for help--that asking is not a sign of weakness--I have found they are more apt to do it.

Question 7: How do you manage caseloads, workloads?

Region 1

- I try hard in Region 1 to keep track of attorney case loads and also the types of cases our FTE attorneys are working to monitor what the levels are and hopefully keep each attorney working at a level that seems appropriate for their level of experience. I try to keep in mind the court(s) that that particular attorney is working in and what degree of formality that court may have (in the instance of lower courts). We use a rotation system along with the case weighting (point) system to keep track of how many cases each attorney has open in any given month. I also try to keep track of the volume of cases each attorney appears to be closing each month. In addition to this, both I and the managing attorney speak regularly with the FTE attorneys to review how they feel their workload is going and whether they feel overwhelmed or under too much stress. We try hard to give the attorneys the understanding that we want the maximum work load possible without compromising that attorney's ability to provide competent and effective legal counsel to each of their clients. At the same time we do not want to lose attorneys due to burnout and stress.

Region 2

- Caseload. The Managing Attorneys in each office maintain the case weighing system and talk to each attorney about whether they have too many cases. I also am made aware of these matters by both managers. I will go talk to an attorney who I think has too many cases. Workload. This is handled about the same as caseload. However, I will ask an attorney if they are overworked and will tell them I can help them with a case if they want it.

Region 3

- In District Court, Jason Kindsvatter does an excellent job of assigning cases on a fair and consistent basis. If a felony attorney has a higher or lower caseload compared to other felony attorneys, it's because the attorney resolves the cases at a different rate than the others. I tell Jason to assign the cases at an even rate, rather than assign cases based on the rate that the attorney resolves the case. The felony attorneys here are all experienced, and so I will assign any kind of felony to any of them. Some will ask for co-counsel on the most serious cases, and I will have co-counsel assigned. The bigger challenges are in the lower courts, where our attorneys have higher caseloads than are recommended by the standards. When the caseloads get higher than the attorney can handle, I will assign additional cases to Laura Simonson to help ease the load. I have avoided, however, mixing an attorney's caseloads between district, municipal, and justice courts. Those courts here operate on independent schedules, and I don't want the attorneys put into a position of constantly having to be in two places at once, and seeking court coverage.

Region 4

- To manage caseloads and workload, I must keep tabs on staff attorneys' case counts and trial schedules. If one staff attorney gets overloaded, I either pull them out of the rotation or re-assign existing cases to other staff attorneys or contractors.

Region 5

- I don't have the advantage of having numerous contract attorneys that I can assign cases to keep FTE loads down. In fact, two of the contract attorneys often have a caseload that will match an FTE. When cases are assigned I keep in mind the attorney's caseload both in numbers and case difficulty. If they are assigned a case they do not think they can handle, (time or skill wise), they will get assistance on the case from myself or another attorney. Each attorney's caseload will go up some and then down but overall the attorneys each average 100 -110 open cases. I monitor attorney caseloads monthly (in some instances weekly). My goal is to not overload any one attorney with problem cases or difficult clients. Everyone gets a share of the load.

Region 6

- Caseload management is day by day (or minute by minute). Try to work efficiently.

Region 7

- Most attorneys that contract with the office are very good at refusing cases if their workload is too much. I try to keep as much in the office as possible without getting stretched too thin. This has been particularly difficult this past summer and fall with the budget cuts. Thus the late report.

Region 8

- Again we regularly check with attorneys to see how they are doing, if they have too much on their plate, if they are stressed out, and whether they need a break from new cases. This often results in management taking a few more cases to ease the load on FTEs. In some situations we have contracted cases out of the office to relieve pressure on FTEs.

Region 9

- Our managing attorneys distribute the caseloads evenly among the attorneys working in a particular court. Some cases are more difficult than other cases and therefore some “weighting” of the cases is necessary. The managing attorney relies upon the attorney giving feedback on the caseload.

Region 10

- Cynthia and I keep an open line of communication about whether we are feeling overwhelmed with our workload. We also try to cover for each other when we are in a different jurisdiction so that it doesn’t require moving hearings when I can cover for her and she can cover for me.

Region 11

- Caseloads and workload is monitored constantly. Assignment of new cases and total caseload are determined on a monthly basis.

Appellate

- I manage caseloads by maintaining a list of assigned cases that I can literally look at. I talk with our paralegals about cases that are coming in and who may be able to take a new case. I have worked diligently in not overloading the attorneys, as the backlog at the appellate office is phenomenal. I have contracted out several cases and will continue to do so until the backlog lessens. In talking with people, I have also been better able to assess the type of case they can take next. I am beginning a new caseload mechanism, whereby I sit down with the attorney after having reviewed the case file myself and talk with that attorney about my assessment and his/hers regarding when he/she may be able to brief the case. If that assessment is longer than six months, I contract out the case because six months is too long for a client to wait for an attorney to brief the case.

Question 8: How do you deal with office morale?

Region 1

- The attorneys in the Kalispell and Polson office are all a close knit group. They not only work together as co-workers but also have built some good relationships as friends. I know of several attorneys who periodically do things together on their personal time and I really don't think there is any problem in Region 1 with office morale. We try to have monthly meetings and allow people to air their gripes and concerns so that we can round table them and try to think of solutions to make the office function better. I also expect input from each of the support staff and investigators as I feel it is extremely important that everyone be a team player and feel that their opinions are important. I think that everyone in both Kalispell and Polson feel that they have an investment in how each of those offices function which I think is good for their morale.

Region 2

- Office Morale. I think what was discussed under stress applies here. In addition, since all the staff know me, I will talk to them; laugh with them; and, give them "a bad time", jokingly, if necessary. I will also tell an attorney, or staff, to go home if their morale is low and say they can return when it's better. I also do this by sending e-mails around the office where I have set prosecutors or judges straight on the law. Or, as in Missoula, getting Joslyn Hunt to file a petition for mandate to get us into the Missoula jail when they barred us because of H1N1 paranoia.

Region 3

- My main weapons in dealing with office morale are to observe and listen. An attorney or staff member can get a morale boost by simply having the opportunity to air out a problem, or vent. This is true even if it's about a problem over which I have no control. If the problem can be handled in the office, I sit down with Betty Carlson about the problem to get input from her. I always make sure that Betty and I are on the same page when rendering a decision that involves an attorney or staff member problem. The reason it's imperative that we render decisions in conjunction with each other is that the affected person will know that we took their problem seriously, and no one made a rash decision. This approach will also prevent an attorney or staff member from thinking that they can forum shop to management and just talk to someone who will tell them exactly what they want to hear.

Region 4

- Using my open-door policy, I keep tabs on the drama found in any office environment, and meet conflict head-on to diffuse greater conflict. I encourage all staff to approach me with any issue, big or small, and take appropriate action when necessary. I am also available for staff to simply vent their frustrations, without taking any action. I also ensure that staff attorneys are not overloaded with cases or work, which definitely decreases morale.

Region 5

- I have weekly staff lunches in Butte. All are invited (including admin staff). This has turned into a great way to discuss problem cases and/or clients and just blow off some steam. I also visit each office to do a “welfare” check on a regular basis. We celebrate birthdays and have an annual Christmas party at a local pub. I allow all of my staff to vent. I keep an informal office atmosphere in an attempt to make everyone feel comfortable. We celebrate successes and share in disappointments. I communicate with staff as often as I can (minimum weekly) about any new issues that come up or new policies/mandates. We cover for one another if there are conflicts in scheduling or emergencies arise (office or personal). I also avoid micro-managing. My attorneys know what they are doing. They don’t need me second-guessing them all the time.

Region 6

- Cowboy up.

Region 7

- Our office is great. We try to have a group break when I am there and get together for dinner during the holidays. I try to give positive and encouraging feed back when they do a job well; which is often.

Region 8

- We try to provide positive feedback for staff and attorneys. Occasionally, we will join staff and attorneys for a social gathering after trial or when someone joins or leaves the office.
- Humor and a relaxed atmosphere help quite a bit.

Region 9

- Office morale is generally good. From time to time, there are issues (caseloads, pay, irate judges, budget, etc) that seem to pop up and demand people's attention, however, I find discussing these issues generally helps people understand the process and the situation we all face.
- People with particularly negative attitudes meet with me so as to not "pollute" the work place or the new hires.

Region 10

- We are small so we don't have a lot of problem keeping the office morale up. It is a lot like dealing with the stress that attorneys can feel, and office staff can feel. We try to take it each day at a time here and because we are small, that works well.

Region 11

- This is a small office. If there are problems I know about them quickly. I value my working relationship with all the people here (4) and try to handle personnel issues as they arise rather than let them grow into big problems.

Appellate

- Office morale is like team building to an extent. However, I feel incredibly different about office morale. I believe it is my job to ensure that everyone is informed about management decisions. Their input should be requested almost always, but especially when it is a decision that affects everyone. I tell everyone I appreciate their input; however, that does not always mean I will go along with their suggestions.
- If I have provided everyone the opportunity to provide input regarding all the good and the bad of any decision, and those people say nothing and, yet, they are still unhappy (to the point of bringing down office morale), I do not believe it is my job to make those types of people happy. There is a certain amount of personal responsibility that comes with an office morale problem. A person needs to find fulfillment in his/her position beyond whatever issue they believe exists. If that person cannot find that fulfillment, I will talk to him/her regarding the possibility that the position may not be best suited for him/her.
- If the issue bringing down morale is one that demands management attention and due attention is not given and they are not provided opportunity to comment, that is a different situation altogether. Those types of morale problems need to be addressed. As with everything, I believe communication is key. I tackle everything by talking with people.

Question 9: How do you team build?

Region 1

- As stated above we try to make sure that each person in each office including all attorneys, support staff, and investigators have an investment in how each office functions overall and more particularly as a state agency providing legal services to indigent persons. We consider everyone's opinion to be valuable and allow everyone to offer ideas and opinions on office procedures and how we can perhaps do things better. We also make it a point to celebrate everyone's birthday, to stay in touch with how things are going in their personal lives (as much as is prudent), and to keep updated on how they feel about their workload and job responsibilities. If people know they have a say in how we operate, even if it is only as to the little things, they are more likely to be satisfied in their job and thus more likely to be productive on a day to day basis.

Region 2

- Team Build. This is done with the attorney meetings; having more than 1 attorney on the case; having staff come and watch, when they can, stuff that occurs in trials on our cases. Answer to No 8 also applies here.

Region 3

- In the area of team building, it's pretty clear in this office which groups of staff, attorneys, and investigators work well with each other, and I simply maintain that. That's not to say that anyone is at war with anyone else. Nobody is. But there are attorney/staff match ups that work better. If it's not broken, don't fix it. If a new attorney or staff member joins our office, I have them meet right away with the people they confer with on a daily basis to discuss daily working conditions. Since we have many experienced people here, a new staff member or attorney will generally defer to the more experienced person's advice, while the new person is getting settled in.

Region 4

- The buddy system comes into play on this issue, as well. I also encourage staff attorneys to socialize together after hours to build a sense of friendliness and cooperation. We also have a weekly staff meeting where attorneys can tell war stories, boast of successes, and commiserate on defeats.

Region 5

- I stress at every opportunity that no one person is an island. OPD has resources and region 5 has some highly experienced trial attorneys that I encourage the less experienced attorneys to take advantage of. I also stress chain of command. The region would be in chaos if everyone took every issue directly to the Chief.
- In every major felony case (homicide, or cases with highly unusual issues) a trial team is established. Each person has a role to play and everyone has a voice. One person is chosen as lead counsel by the team for trial.

Region 6

- Try to foster a sense of involvement in cases.

Region 7

- We meet every morning to discuss what needs to be done, who is doing it and what we want to accomplish. Then we have good communication throughout the day to follow through.

Region 8

- We have attorneys who primarily appear in courts of limited jurisdiction and attorneys who primarily appear in district courts. Those attorneys regularly consult and team up on motions, trials, and overall strategy.
- We also regularly stress the importance of what we are doing as both individually important to our clients and more broadly vital for a free society.

Region 9

- Team building mainly occurs through assigning of two attorneys to a particular case, trial or motion.

Region 10

- We are such a small office we don't have trouble with team building. We all three work well together

Region 11

- My FTE and my contract attorneys are welcome to use me as a sounding board. We try to provide assistance wherever we can to assist both FTE and contract attorneys with research, guidance on expert witnesses and other issues that come up. Very frequently contract attorneys will ask for research assistance, investigative and secretarial services. We assist in locating witnesses, serving subpoenas and other office related services when and where we are asked.

Appellate

- Team building is very important and it is something I know I need to learn how to better accomplish. Right now, I thank the attorneys for their hard work. I give “Kudos” to them when they have gotten a good decision or have worked incredibly hard on something even if the decision does not reflect it. I maintain a “Win Board” and write people’s names and corresponding “wins” for everyone to see. Those “wins” sometimes include getting a dissent or a “grant” to a motion for an extension of time. I believe people want to know their work is valued and they are respected as individuals. I know that was true for me. Hence, whatever I can do to reiterate how appreciative I am for the hard work everyone does, I will. It is that important to me. And again, I believe it is that important to them.

Question 10: How do you keep the lines of communications open?

Region 1

- We have staff meetings and other luncheon get togethers on a regular basis so we can chat and discuss office issues and procedures. I also make it a point when I am in Kalispell or Polson to talk with each of the attorneys to inquire how they are doing and how their case loads are being managed. Further, I also discuss regularly with support staff to let them know that I am concerned about their job satisfaction and how they are doing in the office. By going directly to each employee on a personal level I think that each employee feels that they are important and have the ability to approach me with any concerns they might have.

Region 2

- Communication. See 2, 3 and 4

Region 3

- A huge part of keeping communication lines open is simply being physically at the office every day and available for discussions. It may sound elementary, but it's easier to solve problems when you know what's going on from the beginning, rather than hearing a 2nd or 3rd hand historical synopsis of a problem and then come up with a solution. It also makes it easier to differentiate between what is a serious problem and what is general complaining, although general complaining can metastasize into a serious problem. I see myself as fairly patient even with general complaining. However, I have caught myself getting to the point where I am about to say something dismissive or my body language says that I consider a person's comments more along the lines of general complaining and not worthy of a major discussion. At that point, I have asked Betty Carlson to step in and handle the implementation of a particular personnel decision.

Region 4

- I utilize an open-door policy and publish my BB number repeatedly, so communication to the Regional Deputy is always available. Communication between staff is encouraged through the buddy system, team building, and physical proximity.

Region 5

- I have staff meetings and send e-mails if meetings are not possible. I talk to my staff. I ask how they are doing. I ask about their cases. I ask them how each other are doing, I ask about any problems they may have. My staff is aware that they can call or stop by at any time to talk to me. I almost always will drop whatever I am doing to listen to them. I keep my caseload as low as practicable given everyone else's caseload so that I don't find myself in a position of not having time for my staff.

Region 6

- Always available for discussion. Daily routine is to meet w/ staff either individually or together.

Region 7

- My door is always open except when I am with a client. The blackberry is fabulous when I am out of the office.

Region 8

- We regularly initiate interaction with attorneys and staff which results in commensurate communication from the same.
- Management actively discourages a hierarchical office even though in reality it exists and when necessary comes into practice.

Region 9

- I keep my door physically open. We have big meetings and small meetings to discuss issues – for instance – City court attorneys and staff will meet, the legal secretaries will meet, the district court attorneys will meet, and sometimes everyone will meet together.

Region 10

- We utilize email and I make it a point to let both other employees know that the door is always open. We start each Monday morning off by discussing the week's plans and if anyone needs help covering something else.

Region 11

- I try to make contract attorneys, FTEs and others welcome here, I am available by e-mail, phone or cell when out of the office.

Appellate

- As a line attorney, I always appreciated having a supervisor I felt I could go to with a problem. I strive to be that type of supervisor. Hence, I keep the lines of communication open by talking to everyone as much as I can. I let them know that they can come to me with a problem, and that if they are not comfortable with that, I will find them someone else they are comfortable in talking to in order to address their problem. I hold bi-weekly meetings, and I make a concerted effort to sit down with every attorney or speak to every attorney on the phone each week to talk to them about how their week is going and how their workload is. I want to get to know them as people, not just attorneys who work here. This applies to the contract attorneys as well.

Question 11: How do you keep aware of what is going on in remote offices (Polson, Hamilton)?

Region 1

- I speak with Steve regularly to see how things are functioning in Polson. I also stop in on a weekly basis to touch base with the attorneys and support staff and see how the office appears to be working. Finally, I check in on the district court proceedings a couple of times each month unannounced just to see how the attorneys are doing in court, ie..whether they seem prepared and know their cases and are working with their clients. Finally, I ask for input periodically from the county attorney, city attorneys and judges to see what their perspective is on how the local public defender's office is operating and whether they see any problems or concerns from the outside.

Region 2

- As for Hamilton, I'm aware of what's going on by first seeing the IQ forms which tell me the nature of the offenses OPD is being appointed on; Diane Stenerson, the Hamilton office manager sends me e-mails all the time; I'm on the phone with them; and I'm usually there 2 or 3 times a month.

Region 3

- We have one remote attorney in Cut Bank, Dan Minnis. Dan regularly calls and/or e-mails me about day to day client and legal issues, and I do the same. Communication between myself and Dan has never been a problem. He discusses all of these matters in a professional manner, and I do my best to offer valuable input. I also ask Dan to tell me if he needs his caseload adjusted either upward or downward, an expert witness, investigation services, or anything else. From time to time, I go to Cut Bank for a hearing, and I make sure to speak to Dan either at the Courthouse or at his office. I do the same thing with the contract attorneys.

Region 4

- Thankfully, this is no longer a concern as the PD office and Regional office recently merged.

Region 5

- I am fortunate not to have offices that are too remote. I live in Anaconda so stop by Anaconda PD on my way to Butte or my way home every other week to see how things are. If there are issues or just a need for input, I will stop daily. Butte PD is a block away so they are easily accessible. Most everyone stops in the Regional office weekly, some daily. If I haven't seen someone in awhile, I make a point to visit.

Region 6

- N/A.

Region 7

- There are no remote offices in Region seven.

Region 8

- Region 8's office is centrally located on two floors in Bozeman.

Region 9

- My main awareness of the remote offices (Hardin) is through case assignment, billing practices, and feedback from Judges and clients.

Region 10

- Not applicable to Region 10, only one office.

Region 11

- By cultivating professional relationships with Sheriff's offices, Clerks of court, other court personnel, and DFS people.

Appellate

- Although not entirely applicable to our office, I still like to know what is happening with all of the regions. I am kept informed, mainly, by other regional managers and attorneys emailing and calling me regarding issues happening in their regions. This is an area, however, where I believe I can be more proactive in reaching out to the regions. I welcome ideas on how to accomplish that..

Question 12: How do you keep staff and attorneys informed on what the dreaded Central Office is doing (budget, legislative matters, etc.)?

Region 1

- I send out e-mails regularly to the FTE staff in my region advising them of policy changes and / or budget matters that we need to consider. I also attend staff meetings at each office and, if the matter is critical, I will call a staff meeting to address the entire crew. I try to keep everyone in the loop as much as is prudent to let them know how we as an agency are trying to improve and make changes that hopefully will be better for the entire organization.

Region 2

- Central Office. I pass this information on to attorneys and staff. This applies to legislative and budget matters. I also learn from Eric Olson what's going, depending on what he can tell me, which I pass on if I can do so.

Region 3

- Regarding the Central Office, my approach has been to give the attorneys the overall picture at our staff meetings or through e-mails, on an as needed basis. I will also have brief conversations with individual attorneys about head office matters that affect them or their clients. I do not relay day to day updates to the local staff members or attorneys. The reason is that it's easier to get from point A to point B and accomplish a task if there are a few, essential people focused on the problem.

Region 4

- I utilize our weekly staff meeting to report on any Central Office developments, including change in procedure. I will also utilize email notification, so that employees can go back and refer to a written notice, in addition to individual meetings if necessary on particular points of emphasis.

Region 5

- I let them know either during a staff meeting or e-mail regarding issues that arise. Any questions or comments are heard. Any information I don't have to clarify, I ask the dreaded Central Office and communicate the response I receive.

Region 6

- Relay any relevant information.

Region 7

- Duck-and-Cover.
- We always meet after there has been any communication with the mother-ship. This is easy in a small office that does not have the same challenges as some of the bigger offices.

Region 8

- Primarily we try to put what Central Office is doing in the sphere of reality and remove if room the realm of idealism - e.g. there's a recession going on, funding of criminal defense is not a way to get a lot of votes, many in the legislature are not big supporters of the OPD and we have do to X,Y, and Z in order to justify our needs/budget/existence.
- If an edict arrives from the CO we usually try to understand the basis for it first then advise the attorneys, etc. what is going on.

Region 9

- As we receive information from the Central Office, we communicate the information through meetings with the staff and attorneys.

Region 10

- I forward emails and since we are so small, I usually let them know right away if a policy has changed or something is happening. The same goes with Ronda notifying me of things she has learned as support staff regarding changes and central office happenings.

Region 11

- By e-mail and personal conversations.

Appellate

- I have bi-weekly staff meetings. The agenda for these meetings targets the same major topics. One of those topics includes “Management Updates.” During discussion of that topic, I address sub-topics of budget, pay plan, legislation, commission meeting, workload, policy manual, and JustWare issues. The sub-topics may vary, but every other week, my employees know that I will be updating them as to management developments so they are kept informed. At the close of discussion of each topic, I provide everyone the opportunity to comment on any of the updates I have provided. I also provide them the opportunity to email me with any questions or comments. I advise them that if I do know hear from them via open discussion or email, I assume that (1) they are comfortable with the developments; (2) I will not hear whispers of disgruntlement on topics they have had the opportunity to comment on; and (3) everyone will continue with producing good work.